

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 297 be amended to read as follows:

- 1 Page 5, after line 5, begin a new paragraph and insert:
- 2 "SECTION 5. IC 36-7-2-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) Except as**
- 4 **provided in subsection (b)**, this chapter applies to all units except
- 5 townships.
- 6 **(b) A unit consisting of:**
- 7 **(1) two (2) or more townships; and**
- 8 **(2) at least one (1) municipality;**
- 9 **that have reorganized under IC 36-1.5 may exercise planning and**
- 10 **zoning power under IC 36-7-4 if the unit's plan of reorganization**
- 11 **under IC 36-1.5 authorizes the unit to exercise planning and zoning**
- 12 **powers.**
- 13 SECTION 6. IC 36-7-4-107 IS ADDED TO THE INDIANA CODE
- 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2008]: Sec. 107. **If a provision of this chapter requires a power to**
- 16 **be exercised by adoption of an ordinance, a unit described in**
- 17 **IC 36-7-2-1(b) shall exercise the power by adoption of a resolution.**
- 18 SECTION 7. IC 36-7-4-202.5 IS ADDED TO THE INDIANA
- 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2008]: Sec. 202.5. **(a) ADVISORY.**
- 21 **Notwithstanding any other law, the legislative body of a unit**
- 22 **described in IC 36-7-2-1(b) may establish by resolution an advisory**
- 23 **plan commission.**
- 24 **(b) ADVISORY. If an advisory plan commission is established**
- 25 **under this section by a unit described in IC 36-7-2-1(b) and the unit**
- 26 **adopts a comprehensive plan under this chapter:**
- 27 **(1) the plan commission of the unit shall exercise the planning**
- 28 **and zoning functions within the unit;**
- 29 **(2) the plan commission unit may not exercise planning and**
- 30 **zoning functions within a municipality that has established a**
- 31 **plan commission under this chapter (other than a**

1 municipality that participated in the reorganization of the
2 unit under IC 36-1.5);

3 (3) a county plan commission may not exercise planning and
4 zoning functions within the unit; and

5 (4) except as provided in subdivision (2), a municipal plan
6 commission of a municipality (other than a municipality that
7 participated in the reorganization of the unit under IC 36-1.5)
8 may not exercise planning and zoning functions within the
9 unit.

10 Notwithstanding any other law, if a municipality (other than a
11 municipality that participated in the reorganization of the unit
12 under IC 36-1.5) annexes territory within a unit described in
13 IC 36-7-2-1(b) after the unit has established an advisory plan
14 commission under this section, the municipal plan commission of
15 that municipality may not exercise planning and zoning functions
16 within that annexed territory.

17 (c) **ADVISORY.** Except as specifically provided in this chapter,
18 an advisory plan commission established under this section by a
19 unit described in IC 36-7-2-1(b) shall exercise the planning and
20 zoning functions within the unit in the same manner that a
21 municipal plan commission established under this chapter
22 exercises planning and zoning functions for a municipality.

23 (d) **ADVISORY.** Notwithstanding any other provision, if an
24 advisory plan commission is established under this section by a unit
25 described in IC 36-7-2-1(b), the legislative body of the unit shall by
26 resolution or in the unit's plan of reorganization under IC 36-1.5
27 determine:

28 (1) the number of members to be appointed to the unit's
29 advisory plan commission;

30 (2) the person or entity that shall appoint or remove those
31 members;

32 (3) any required qualifications for those members;

33 (4) the terms of those members; and

34 (5) whether any members or advisory members shall be
35 appointed by the county in which the unit is located or by a
36 municipality located within the unit.

37 SECTION 8. IC 36-7-4-901.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2008]: Sec. 901.5. (a) If an advisory plan
40 commission is established under this section by a unit described in
41 IC 36-7-2-1(b) and the unit adopts a comprehensive plan under this
42 chapter, the legislative body of the unit shall establish a board of
43 zoning appeals.

44 (b) A board of zoning appeals established under this section:

45 (1) shall exercise its powers and duties under this chapter
46 within the unit in the same manner that a municipal board of
47 zoning appeals established under this chapter exercises
48 powers and duties under this chapter for a municipality; and

1 **(2) may not exercise its powers and duties under this chapter**
2 **within a municipality that has established a plan commission**
3 **under this chapter (other than a municipality that**
4 **participated in the reorganization of the unit under**
5 **IC 36-1.5).**

6 **(c) Notwithstanding any other law, if the legislative body of a**
7 **unit described in IC 36-7-2-1(b) establishes a board of zoning**
8 **appeals under this section, the legislative body of the unit shall by**
9 **resolution determine:**

10 **(1) the number of members to be appointed to the unit's board**
11 **of zoning appeals;**

12 **(2) the person or entity that shall appoint or remove those**
13 **members;**

14 **(3) any required qualifications for those members; and**

15 **(4) the terms of those members."**

16 Renumber all SECTIONS consecutively.

(Reference is to SB 297 as printed January 25, 2008.)

Senator DROZDA